

## **REMARKS**

In the non-final May 16, 2006 Office Action, the Examiner rejected Claims 1-23 and 25-29. The Examiner also objected to Claim 24 and acknowledged that Claim 24 contains patentable subject matter. Applicants thank the Examiner with appreciation for acknowledging that Claim 24 recites patentable subject matter.

By this Response, Applicants amend Claims 4, 6, 8, 9, 12, 18, 22, and 26 to clarify Applicants' claimed invention. No new matter is believed introduced by the clarifying amendments.

Regarding the Examiner's comments on allowable subject matter, Applicants acknowledge the Examiner's comments. Applicants do not concede or admit, however, that the Examiner's comments are accurate or apply to all of the allowed claims, nor that the stated reasons are the only reasons for allowability of the Claims. *See Salazar v. Procter & Gamble Co.*, 414 F.3d 1342 (Fed. Cir. 2005).

After entry of this Response, Claims 1-29 are pending in the Application. Applicants respectfully assert that Claims 1-29 are in condition for allowance and respectfully request reconsideration of the claims in light of the following remarks.

### **I. Pending Claims**

#### **Claim Rejections under 35 U.S.C. § 112**

Claim 9 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Accordingly, claim 9 has been amended and this rejection is now moot.

#### **Claim Rejection under 35 U.S.C. § 102(e)**

Claims 1-19, 21-23, and 25-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hataker (U.S. Patent Application Publication No. 2004/0088701). Applicant respectfully traverses this rejection.

Hataker was filed on October 30, 2002 and was published on May 6, 2004, less than one year prior to the filing of the present application. Hataker also has a common inventor and Assignee with the present application. The unclaimed disclosure in Hataker relied upon by the

Examiner to make the rejections originated with the inventors of the present application, and is therefore not “by another”. Filed concurrently herewith is a Declaration by Atul N. Hatakar, submitted under 37 U.S.C. § 1.132, declaring and stating these facts. Accordingly, withdrawal of the rejection is respectfully requested.

#### Claim Rejection under 35 U.S.C. § 103(a)

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hatakar. Applicants respectfully traverse the rejection. As discussed above, Hatakar was not “by another” and is therefore not considered prior art under 35 U.S.C. § 102(e). Accordingly, withdrawal of the rejection is respectfully requested.

Applicants, therefore, believe that Claims 1-29 are allowable and that their respective dependent claims are also allowable for the further limitations contained therein. Accordingly, Applicants respectfully request withdrawal of all current rejections and issuance a Notice of Allowance in due course of patent office business.

#### **II. Fees**

Applicants file this Response within three months of the May 16, 2006 Office Action and with no additional claims. Accordingly, Applicants believe that no extension or claims fees are due. The Commissioner is authorized, however, to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 20-1507.

#### **III. Conclusion**

The foregoing is believed to be a complete response to the non-final Office Action mailed May 16, 2006. Applicants respectfully assert that Claims 1-29 are in condition for allowance and respectfully request passing of this case in due course of patent office business. If the Examiner believes there are other issues that can be resolved by a telephone interview, or there are any informalities remaining in the application which may be corrected by an Examiner’s amendment, a telephone call to Jeff Waters at (404) 885-3082 is respectfully requested.

Respectfully submitted,  
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**DATE: AUGUST 7, 2006**